

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

J. BENJAMIN ODOMS,

Plaintiff,

vs.

NDOC UTILIZATION REVIEW PANEL et
al.,

Defendants.

3:13-cv-00181-RCJ-WGC

ORDER

The Court dismissed Plaintiff's prisoner civil rights complaint upon screening, giving him thirty days to amend. When Plaintiff failed to amend after over sixty days, the Court dismissed the case with prejudice for failure to comply with the Court's order. Plaintiff has asked the Court to reconsider under Rule 60(b)(1). He argues he was under the impression he was to file the amended complaint in Case No. 3:13-cv-193 and that he timely filed an amended complaint in that case. He did timely file an amended complaint in that case.¹ He claims he was under this impression based on the standard notice he received from the Clerk upon the opening of the '193 Case informing him that he should file all future pleadings in the Court using that case number. But that is not what the notice said. It said, "It is necessary for you to include this case number [3:13-cv-00193] on all future papers sent to the court *for this case*." (Notice, Apr.

¹ The '193 Case itself was dismissed because it was duplicative of the present case. The Court of Appeals dismissed the appeal for failure to pay filing fees.

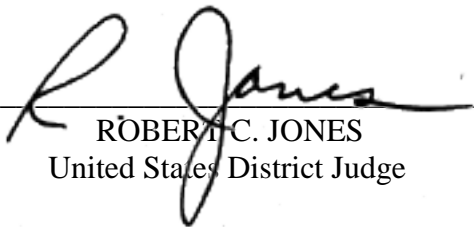
17, 2013, ECF No. 2 in Case No. 3:13-cv-193 (emphasis added)). An otherwise identical notice was sent to Plaintiff in the present case, indicating that he should use Case No. 3:13-cv-00181 for all future papers in the present case. (*See* Notice, Apr. 12, 2013, ECF No. 2). The notices were clear, and the Court therefore finds no excusable neglect.

CONCLUSION

IT IS HEREBY ORDERED that the Motion for Relief from Order (ECF No. 7), the motion to File Second Amended Complaint (ECF No. 8), and the Motion for Judgment on the Pleadings (ECF No. 9) are DENIED.

IT IS SO ORDERED.

Dated this 29th day of September, 2014.



ROBERT C. JONES
United States District Judge